

## REMARKS

Reconsideration of the application in light of the amendments and the following remarks is respectfully requested.

## Status of the Claims

Claims 1-19 are pending. Claim 12 has been amended. No new matter has been added.

### Rejection Under 35 U.S.C. § 103

Claims 1-4, 6-11, 14-16 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,973,481 to Thompson et al. (“Thompson”) in view of U.S. Patent No. 6,311,105 to Budike, Jr. (“Budike”). Applicants respectfully traverse this rejection.

The Examiner contends that Thompson discloses most of the features recited in claims 1-4, 6-11, 14-16 and 18-19. However, the Examiner acknowledges that Thompson does not teach the electricity provider using the Internet for billing and payment of the electricity service. The Examiner cites Budike as disclosing a multi-utility energy control system and method, wherein a controlled wireless network is provided, including the Internet, for purchasing electricity in a real time environment. The Examiner contends that it would have been obvious for a person of ordinary skill in the art at the time of invention to have combined Thompson and Budike to achieve the invention of claims 1-4, 6-11, 14-16 and 18-19.

The Examiner states that Thompson and Budike can be combined because both Thompson and Budike disclose energy distribution over extended geographical areas. (Detailed Action, Response to Arguments, page 4.) Applicants respectfully disagree.

Applicants submit that Thompson discloses a system for providing electrical-power to remote communities widely distributed over an extended geographical area. (Thompson, Abstract.) Further, Thompson discloses a system for an area so remote that the system has fuel tanks with a sixty-thousand gallon capacity sufficient for two-hundred-fifty to four-hundred-fifty days of operation. (Thompson, column 7, lines 35-36.) Thompson addresses a problem that exists in communities that are widely dispersed in a region that lacks a distribution system for power utilities. In contrast to the problems presented to a community in a region that lacks a distribution system for utilities, Budike discloses a multi-utility real-time energy control system through which an energy consumer can monitor multiple sources of different utility types that are readily available. Based on consumption and prevailing market rates the consumer can purchase power from these different sources — e.g., “electricity, steam, gas and other consumable fuels and utility materials.” (Budike, column 7, lines 56-57.)

While Thompson discloses monitoring the power needs of a remote community in an area of limited fuel sources to assure timely replenishment of fuel, Budike discloses a system where the existence of multiple sources of power is readily available. Therefore, Applicants submit that a person of ordinary skill in the art would not be motivated to combine Thompson and Budike because the remote community being monitored by Thompson does not have access to the

multiple energy suppliers that are readily available in Budike. Therefore, Applicants respectfully submit that the Examiner has not met the burden of proving a *prima facie* case of obviousness.

Claims 2-4 and 6-11 depend from claim 1, and Applicants submit that claims 2-4 and 6-11 are patentable over Thompson and Budike for at least the same reasons as claim 1 as discussed above. Claims 15-16 and 18-19 depend from claim 14, and Applicants submit that claims 15-16 and 18-19 are patentable over Thompson and Budike for at least the same reasons as claim 14 as discussed above. Therefore, Applicants request withdrawal and reconsideration of the rejection.

Claims 5, 12-13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson and Budike in view of U.S. Patent No. 6,589,682 to Fleckner et al. ("Fleckner"). Applicants respectfully traverse this rejection with respect to claims 5 and 17.

The Examiner contends that Fleckner discloses a method and system for fuel cells including monitoring instrumentation for providing information to a monitoring system which conveys data related to the functional status of the fuel cells over a wireless communication network. The Examiner states that it would have been obvious to a person of ordinary skill in the art to combine Thompson, Budike, and Fleckner to achieve the invention of claims 5 and 17. Applicants submit that for the reasons discussed above the combination of Thompson and Budike is impermissible and that Fleckner does not add subject matter that establishes a *prima facie* case of obviousness.



it is believed that claims 1-19 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By

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